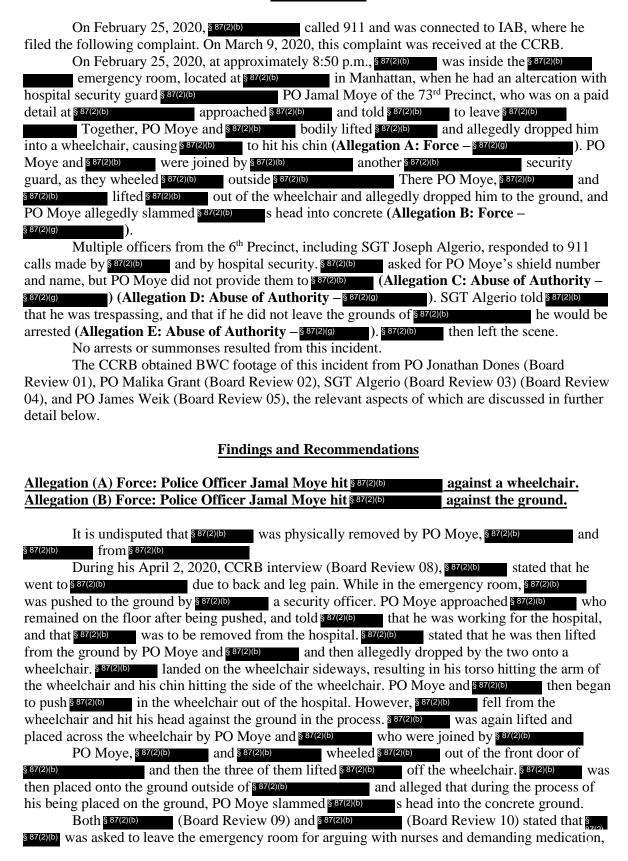
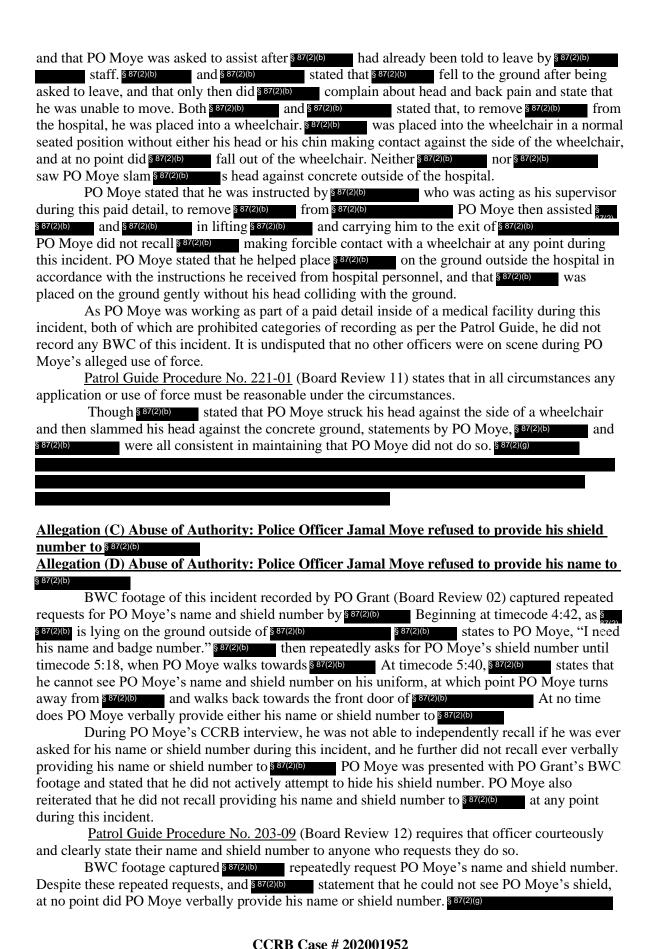
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	M	Force	П	Discourt.	☐ U.:	S.
Matthew Donaghy		Squad #14	202001952	-	Abuse	\Box	O.L.		ury
		1							
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	EO S	SOL
Tuesday, 02/25/2020 8:50 PM		§ 87(2)(b)			06	8/	25/2021	4/11/	2022
Date/Time CV Reported		CV Reported At:	How CV Reported		Date/Time	Rece	ived at CCl	RB	
Tue, 02/25/2020 9:01 PM		IAB	Phone		Mon, 03/09	9/202	0 9:13 AM	1	
Complainant/Victim	Туре	Home Addre	ess						
Witness(es)		Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. POM Jamal Moye	20924	958958	073 PCT						
2. SGT Joseph Algerio	4775	944312	006 PCT						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. POM Jonathan Dones	27390	948203	006 PCT						
2. POF Malika Grant	28544	964027	006 PCT						
3. POM James Weik	26601	967389	006 PCT						
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmenda	tion
A.POM Jamal Moye	Force: Police Officer Jamal Moye hit § 87(2)(b) against a wheelchair.								
B.POM Jamal Moye	Force: Po	olice Officer Jamal Moy ad.	e hit § 87(2)(b)	aga	ainst				
C.POM Jamal Moye		olice Officer Jamal Moy mber to ^{§ 87(2)(b)}	ye refused to provide	e his					
D.POM Jamal Moye	Abuse: P	olice Officer Jamal Moy 87(2)(b)	ye refused to provide	e his	;				
E.SGT Joseph Algerio	Abuse: S	ergeant Joseph Algerio	threatened to arrest	87(2))(b)				

Case Summary





Allegation (E) Abuse of Authority: Sergeant Joseph Algerio threatened to arrest \$87(2)(b) stated that, as he laid on the ground outside of § 87(2)(b) approached by SGT Algerio, who said, "If you don't get up, I'm going to arrest you for trespassing." SGT Algerio then told \$37(2)(b) that he was trespassing by being in front of the hospital, and that if he did not leave, he would be arrested. BWC footage recorded by PO Dones (Board Review 01), captures SGT Algerio asking § 87(2)(b) if the area in front of § 87(2)(b) where § 87(2)(b) is laying, is the property of the hospital, and if \$87(2)(b) is currently trespassing at timecode 12:42. \$87(2)(b) replies affirmatively, and when SGT Algerio asks \$ \$7(2)(b) should be arrested for trespassing, \$87(2)(b) states that he will call his supervisor to determine appropriate next steps. SGT Algerio steps outside as \$37(2)(b) speaks over the telephone with his supervisor, and at timecode 15:00 § 87(2)(b) states to PO Dones that his supervisor told him to have §87(2)(b) arrested if he continued refusing to leave. At timecode 16:35, PO Dones exits the hospital and speaks with SGT Algerio, stating that § 37(2)(b) is willing to act as a complainant against § \$87(2)(b) SGT Algerio then states to \$87(2)(b) that he is trespassing, and that if he does not "get up and leave," that he will be arrested. \$87(2)(b) proceeds to roll down the entrance ramp of \$87(2)(b) leaving the hospital grounds, at which point officers leave the scene. New York State Penal Law, Part 3, Title I, Article 140.00-140.05 (Board Review 13) defines trespass, a violation in New York State, as when an individual knowingly enters or remains unlawfully in or upon premises. A person enters or remains unlawfully upon such premises at the time that a lawful order not to enter or remain is personally communicated to them by the owner of the premises or another authorized individual. It is undisputed that § 87(2)(b) was told by hospital employees and NYPD officers that he was not allowed to remain on the premises of §87(2)(b) Further, BWC video shows that SGT Algerio confirmed that §87(2)(b) was still on §87(2)(b) property in violation of the wishes of hospital security before he told \$87(2)(b) that he was trespassing and could be arrested, Civilian and Officer CCRB Histories

- PO Moye has been a member of service for five years and has been a subject in six CCRB complaints and fourteen allegations, of which one was substantiated:
 - O 201908912 involved substantiated allegations of entry of premises against PO Moye. The Board recommended command level instruction and the NYPD has not yet imposed discipline.

CCRB CTS – Confidential Page 3

• SGT Algerio has been a member of service for thirteen years and has been a subject in fourteen CCRB complaints and twenty-seven allegations, none of which were substantiated. [597(2)(9)										
Mediation, Civil and Criminal Histories										
 § 87(2)(b) § 87(2)(b) (Board § 87(2)(b) 	declined to mediate filed a Notice of Clark Review 15).	this complaint. aim with the City of New York s	eeking \$24,900 in damages							
Squad No.:	14									
Investigator:	Matthew Donaghy Signature	Inv. Matthew Donaghy Print Title & Name	<u>April 22, 2021</u> Date							
Squad Leader:	Cassandra Fenkel Signature	IM Cassandra Fenkel Print Title & Name	April 22, 2021 Date							
Reviewer:	Signature	Print Title & Name	Date							

○ § 87(2)(g)